IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6185 of 1987

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PADMABEN R MUNSHI SINCE DECEASED THROUGH HIS HEIRS & L.R.

Versus

AHMEDABAD MUNICIPAL CORPORATION

Appearance:

MR SV RAJU for Petitioner

MR BP TANNA for Respondent No. 1, 2

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI

Date of decision: 03/03/2000

ORAL JUDGEMENT

The original petitioner Padmaben Ranchhodlal Munshi who is dead and is represented now by her legal representative was working as 'Tedagharbai' in the school of Ahmedabad Municipal Corporation. Her job was to

attend and escort children to the school from their houses. She approached this Court in this petition seeking regularisation of her services from November 22, 1967, which according her was the initial date of her entry in the service. In this very petition, on 13-11-1990 this Court passed an order directing the Corporation to take a decision on her representation for regularisatin of her services from November 22, 1967, and her claim for difference of backwages from 22-11-1967 to 4th July 1973, on which date she was regularised.

2. As has been informed by the learned counsel for the Corporation, the order of this Court made on 13-11-1990 directing the Corporation to decide her claim of regularisation and difference of backwages was not prosecuted and the LPA stood disposed as the delay in preferring the LPA was not condoned. This matter has come up before this Court after the death of the original petitioner. Since the petitioner is dead, this Court cannot insist on the Corporation to implement the order passed by this Court on 13-11-1990, and consider her case for retrospective regularisation and payment of difference of wages to her from that date. In order to alleviate the hardship that the deceased petitioner suffered during her life time, and to provide some succour to her legal representative, the Corporation had taken a decision to pay lump sum gratuity to the family of the deceased employee. The decisions taken by the Corporation in that behalf were contained in a file which has been destroyed in fire. On the basis of notings of the Law Officer of the Corporation, learned counsel for the petitioner states that the proposal was to pay some lump sum gratuity, but the present case cannot be treated as a precedent for cases of similar nature. In the facts & circumstances of the present case, as a long period has elapsed in the case of regularisation of deceased employee and payment of backwages to her on that basis, and in view of the fact that the records of the Corporation are not available; this Court directs that a lump sum gratuity amount of Rs.20,000/- (Rs. Twenty thousand only) be paid to the legal representative of the original petitioner within a period of two months, failing which, it shall carry interest at the rate of 6 % per annum. As has been made clear, this order is being passed in extra ordinary circumstances mentioned above and it shall not be cited as a precedent in other cases in relation to the claims of other employees. Rule made absolute to the aforesaid extent. In the facts & circumstances of the case, no order as to costs.

Dt: 3-3-2000

(D.M. Dharmadhikari, C.J.)

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